



**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Tuesday, February 21, 2017**

**1. Call to Order/Roll Call**

Mayor Jeannie Hefty called the meeting to order at 6:32 p.m. starting with roll call. Aldermen present: John Ekes, Ed Johnson, Bob Grandi, Ruth Dawidziak, Tom Preusker and Todd Bauman.

Excused: Tom Vos and Jon Schultz

Also present: City Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Police Chief Mark Anderson, Fire Chief Alan Babe, DPW Director James Bergles, City Clerk Diahnn Halbach and Building Inspector Gregory Guidry.

Student Representatives - Present: Gabriel King, Ryan Werner. Excused: None

**2. Citizens Comments and Questions**

Bob Prailes, along with Ken Asboth, president of the Kiwanis Club, presented a check to the City of Burlington Fire Department in the amount of \$1000 for the Firefighters for Charity program, and a check in the amount of \$500 to the City of Burlington Police Department to put towards the K-9 program.

Alderman Vos arrived at 6:35 p.m.

**3. Approval of Minutes from February 7, 2017**

A motion was made by Alderman Bauman with a second by Alderman Ekes to approve the minutes from February 7, 2017. With all in favor, the motion carried to approve the minutes.

**4. Topic: Discussion – regarding the receivership of liquor licenses with conditional terms.**

Walters reviewed the background regarding “Class B” Liquor licenses and stated that the City is currently out of all “Class B” liquor licenses, including its one reserve license and that without this license, the City is unable to recruit or be recruited by businesses that require a liquor license. Walters went on to explain that in an effort to be proactive, the City has sent letters to Town of Burlington, Spring Prairie, Lyons, and the Village of Rochester, in accordance with Wisconsin State Statutes, to request a transfer of a liquor license. Town of Spring Prairie has offered to sell one of their liquor licenses to the City of Burlington for \$12,500 and if Council approves, staff will work to draft a resolution as the next step in this process. In addition, Walters also asked Council what their tolerance would be if another municipality offered to sell us a liquor license with conditions. Attorney Bjelajac gave an example of a condition that could be placed on a license, such as it must be issued to a certain business and if no longer in use, must go back to the original municipality it came from.

Alderman Dawidziak suggested the City accept the offer from Spring Prairie and felt certain conditions are okay and could help businesses grow in the Burlington community. Alderman Bauman also felt that conditions would be okay so long as they were ethical.

Alderman Preusker asked how the transferred liquor license would normally work. Walters responded that typically, once a license has been transferred, it permanently belongs to the City and that there is a one-time fee that is paid to the municipality that sells the City the license. The City would then recoup that fee from the entity in which it would be issued to. If that entity were to eventually surrender that license, the license would go back to the City and then reissued to another entity upon approval of application, for a fee of not less than \$10,000.

Preusker stated that he didn't like the idea of having conditions attached to a liquor license and felt that regular policy should be followed. Preusker further stated that the real issue is that the City doesn't have enough licenses and that changes need to be made within the Tavern League. He further stated the Council needs to be more cautious to whom licenses are being issued.

Vos stated he was in favor of purchasing the license and agree with Preusker regarding the need for legislative change.

Ekes stated he was also in favor of purchasing the license, but not fond of a license with conditions.

5. **Topic: Discussion** – regarding the possible revocation of liquor license at 217 N. Pine Street, formerly known as Tailgators Bar & Grill.

Walters reviewed the City's Liquor License Ordinance which states that the City may revoke a liquor license if a business becomes inactive for 90 consecutive days. Walters stated that Tailgators Bar & Grill had closed their doors in October 2016 and has been in violation of the Ordinance. Walters further explained that the previous owners of the Brickyard LLC, Wayne and Margaret Schultz, have reestablished ownership and have submitted the appropriate paperwork for a Change of Agent as of February 16, 2016. Bjelajac further established that the Schultz's, per state statute, may remain open and serve alcohol up until tonight's meeting; however, would need to cease selling alcohol after tonight's meeting until and upon Council approval of the Change of Agent at the next scheduled meeting of March 7, 2017.

Walters introduced the Schultz's and asked them to identify their business plan. Wayne Schultz explained the background history of the lease to purchase agreement with the previous tenants, stating that after five months, they closed their doors. Schultz was not aware of the 90-day rule and stated they tried to open as soon as they could but had many unexpected arrangements that needed to be made, as they had planned to retire and move on with life in a different direction. Schultz further stated that they have every intention to get this restaurant up and running again; however, without a liquor license, they won't stand a chance and the city will be left with another vacant building.

Dawidziak stated that when the ordinance was changed to the 90-day rule, it was discussed there would be flexibility and Council would use discretion on a case-by-case scenario.

Alderman Johnson stated that he feels Council will be in full support of the Brickyard re-opening and retaining their liquor license.

6. **Topic: Discussion** – regarding the possible construction/expansion of the Veteran's Memorial Wall at Echo Park.

Mayor Hefty presented the proposal of a new memorial at Echo Park to commemorate the veterans who have passed away. Hefty stated that she was approached by several veterans who expressed their desire to see a more permanent structure to honor the names of deceased local service personnel. Hefty explained that this wall would be a permanent structure made of concrete with four 6'x6' granite panels and the cost is estimated to be between \$35,000 and \$42,000. Hefty stated she is working on the project as a resident and widow of a veteran, not as the Mayor. She stressed it is not a City of Burlington project and that donations would have to cover the cost. Mayor Hefty further stated that the goal is to have this project completed in time for Veteran's Day November 2017.

Alderman Grandi stated that this sounds like a nice project.

Alderman Bauman asked if any grants were available for a project like this. Mayor Hefty responded that the veterans were already looking into it.

Alderman Vos stated his concern for the tight timeline and asked if the City could possibly front the money to get the project moving and then be reimbursed by the donations. Dawidziak, Bauman and Grandi all echoed this same thought. Walters responded that the City could look into it.

Mayor Hefty stated that she felt strongly that the community will rise to this and the VFW is accepting donations under its non-profit status to fund the project.

7. **Resolution 4822(41)** - to consider approving an Engineering Service Agreement with Baxter & Woodman, Inc. to prepare a Phosphorus Operational Evaluation and Study of feasible alternatives for phosphorus removal engineer services for the not-to-exceed amount of \$16,000.

Bergles gave an overview of phosphorus regulations being set by the state and stated that the Waste Water Treatment Plant is required to reduce phosphorus discharge to .10 mg/l by January 1, 2024, as well as have a Preliminary Compliance Alternatives Plan completed by December 31, 2017, which will assist the City with preparing an operational evaluation for phosphorus removal and a review of feasible alternatives for compliance.

Alderman Ekes asked what the current phosphorus levels are. Bergles replied they are currently between 9.0 and 10.0. Ekes then asked if industries are being analyzed. Bergles responded that industries are tested and they may need to install phosphorus removal equipment. Ekes stated that he would like to see the City enforce companies to manage discharge levels internally before spending money on its own equipment upgrades.

Alderman Bauman inquired as to what is the City's current phosphorus discharge level. Bergles responded that with the chemicals currently being used, levels are around .37. Bauman further inquired about the current levels in the river without anybody else's input and if it's higher than .1. Bergles responded that it's not much higher, at about a .2 to .3, but changes seasonally. Bergles further stated the river needs phosphorus to survive; however DNR is requiring that level be reduced to .1. Bergles also stated that run-off from soils also affects the levels in the river and options to address this issue is also being considered. Attorney Bjelajac stated the City attempted to file a site specific appeal with the DNR but was denied.

Student representative Ryan Werner stated that he understands that much of the phosphorus in the river is a result of run-off from farming and questioned if it's entirely possible to limit that amount of phosphorus in the river because serious restrictions would need to put on farms and industries,

and feels this would be nearly impossible to do. Alderman Ekes replied that is why the DNR comes to the City instead.

Bergles responded that another idea rather than spending \$5 million on a filtration system, is to move upstream, implement a riverbank stabilization system and pay the farmer not to farm the last 20 feet of their fields in order to help stop the soil from washing into the river from the farm fields.

Bauman asked if it's possible to lower the phosphorous levels to .1 if industries improved the management of what they discharge before it gets to the Waste Water Treatment Plant. Bergles replied that it's possible, but would require an ordinance change.

**8. Adjourn**

A motion was made by Ekes with a second by Grandi to adjourn the meeting. With all in favor, the meeting adjourned at 7:29 p.m.

Minutes respectfully submitted by:

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Megan E. Watkins  
Director of Administrative Services  
City of Burlington